Elections Canada

Political Communications in the Digital Age

Discussion Paper 2: The Impact of Social Media Platforms in Elections

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Foreword

After each general election, the Chief Electoral Officer (CEO) is required to submit a report to Parliament outlining recommendations that, in his view, will improve the administration of the *Canada Elections Act.* In developing his recommendations report after the 2019 election, the CEO wishes to explore certain themes related to the way in which political actors communicate with electors in the digital age.

Over the past two decades, political communications have changed drastically. Communications around elections—and in general—are increasingly digital, taking place through text messages, on social media platforms, in online ads and in other formats. Many of these are enabled by big data and are highly targeted. There is every indication that this trend will continue into the future and that the significance of digital communications for electoral democracy will continue to grow.

The regulatory regime in place under the *Canada Elections Act*, however, dates originally from a time when broadcast television was the dominant advertising and communications medium. The Act is based on certain core values, such as transparency and fairness, that continue to underlie the way elections are delivered in Canada, but legislative improvements may be needed.

With a view to soliciting input from a diverse audience of stakeholders and experts to inform the CEO's recommendations to Parliament, Elections Canada has prepared a suite of three discussion papers on interrelated topics that are central to this question.

- The first paper, *The Regulation of Political Communications under the Canada Elections Act*, aims to foster discussion about whether existing provisions in the Act meet the challenges that have arisen in recent years, largely due to new communications technology.

- The second paper, *The Impact of Social Media Platforms in Elections*, looks more closely at social media and digital advertising platforms and aims to promote discussion on the impacts that these platforms may have on elections and democracy.

- The third paper, *The Protection of Electors' Personal Information in the Federal Electoral Context*, aims to encourage discussion on how fair information principles could be applied to political parties, taking into account their unique role in Canada's democracy.

Introduction

Social media platforms—websites and Internet applications that permit users to create, share, discover and interact with content, and that facilitate the development of social networks[1]—have become major sources of information and means of interaction for Canadians. Similarly, digital platforms that run data-driven advertising, including social media sites and search engines, have come to dominate the Canadian advertising landscape.

Social media and digital platforms have also become a central component of our electoral environment. They are considered valuable tools in reaching Canadians, efficiently and inexpensively, and are credited with spurring people to participate in elections in many ways, whether by updating their voter registration, donating to a political party or cause, or accessing information about political options and when, where and ways to vote.

In the wake of digital interference in elections around the world, however, governments, security agencies and others have begun to take a closer look at platforms and what they allow users to do.[2] Like many countries, Canada has recognized that digital interference threats are now part of the election delivery landscape, and has taken measures to reinforce safeguards and to detect and mitigate potential digital electoral interference.[3]

This evolving digital environment raises questions about the need for greater regulation. These questions stretch beyond the mandate of Elections Canada, but they affect the electoral ecosystem in which the agency operates and could have a significant bearing on Canadians' trust in our democratic system.

Social media and digital platforms have grown with little transparency or external oversight, transcending borders and serving as the backbone of the digital economy.[4] There is growing debate about whether and how to regulate the digital information sphere and the platforms that shape it.[5] This debate has been fuelled by divergent views on how regulation should be implemented and rightful concerns about regulating political expression.[6] The platforms themselves have acknowledged potential harms and have taken steps to mitigate them.[7]

This paper seeks to add to this debate by focusing on how platforms and their use impact the electoral process. It describes, at a high level, the unique characteristics of social media and data-driven digital ad platforms as they were at the time of the 2019 general election.[8] It addresses the impact these platforms have on the electoral landscape in which Elections Canada operates—notably in the areas of access to reliable information, transparency and trust in the electoral process—and seeks input on how best to adapt to this evolving reality.

Organic and Paid Content on Platforms

During the 2019 general election, citizens used a wide swath of digital and social media platforms to create and engage with a range of content, from memes to leaders' debates. Regulated political entities, including candidates, political parties and third parties, were also active on several major platforms, as were media outlets and civil society groups. Elections Canada used organic content and digital ads to explain where, when and ways to register and vote, and participated in some platforms' special initiatives to increase election awareness and voter registration.[9]

> *The social media market in Canada is large, with approximately 25 million active social media users. The market is dominated by a handful of major proprietary platforms, the most popular being YouTube (85% of Internet users aged 16 to 64 report using it in the past month), Facebook (79%), Instagram (53%), Twitter (40%) and Pinterest (35%). Canadians are also active on LinkedIn (29%), Snapchat (28%), Reddit (25%), WeChat (9%) and TikTok (9%), among others.*[10]

Digital and social media platforms differ from other spaces where Canadians encounter and interact with people, information and ideas. To have a productive discussion about how platforms shape the digital information sphere and impact the democratic process, and to think about addressing regulatory gaps therein, it is important to understand platforms' functionality and architecture. The following section draws on scholarship to describe how digital and social media platforms curate, moderate and disseminate organic and paid content.

Organic content

Organic content on social media platforms—content that the poster (i.e. an individual or organization) does not pay the platform to publish or distribute—is subject to relatively few regulations in Canada.[11] It is subject to existing criminal and civil laws around expression. In the pre-election and election periods, it is also subject to some *Canada Elections Act* (CEA) provisions that forbid the impersonation of Elections Canada and political entities, the publication of misleading information for the purposes of affecting the election outcome, and some types of false statements about candidates and people associated with parties.

Otherwise, the governance of organic content largely falls to the platforms themselves. Before the 2019 general election, many platforms committed to taking measures to safeguard electoral integrity, such as by offering enhanced security for political campaigns' accounts and by setting up dedicated contact channels for political entities and Elections Canada to report election-related incidents to the platform. Some platforms also signed on to the government-led Canada Declaration on Electoral Integrity Online, a voluntary pledge to remove fake accounts, bots and inauthentic content.[12]

Platforms govern organic content by defining what is possible, permitted and promoted. They determine what actions are available to users, such as by offering buttons that let users "like" or "share" content with a click.[13] Most platforms display engagement metrics (numbers of likes, shares, follows, etc.), identifying the popularity of content and offering users real-time feedback on the "performance" of their posts.[14] Through the creation and enforcement of policies such as terms of use and community standards, platforms moderate accounts and content and remove what they deem unacceptable.[15] Platforms also promote some content over others, through recommendation algorithms.[16]

Recommendation algorithms exercise strong influence: they determine what each user sees, sees first and does not see in their timeline (Facebook News Feed, YouTube queue or equivalent). Though algorithms differ from one platform to another, change often and are largely unknown to users and outside entities, researchers have a general idea of how they work.

Many recommendation algorithms assign a relevancy score to each piece of content, based on each user's personal and behavioural profile (described below), to predict how a given user will respond to each item.[17] They then use this information to rank content in each user's timeline, placing content that generates engagement—clicks, video plays, likes, comments or shares—at the top.[18]

By promoting content that generates strong reactions, algorithms generally reward and increase the reach of content that is provocative, entertaining and shocking.[19] Research suggests that these effects of recommendation algorithms, coupled with the human drive to emotional response, can impair users' ability to detect and access reliable information. For instance, a study of engagement on Twitter found that posts exhibiting "indignant disagreement" received nearly twice as much engagement as other types of content; each moral or emotional word used in a tweet (such as "greed," "evil" or "shame") boosts its reach by 20%.[20] Another study found that users are more likely to believe and share articles with emotional headlines, even when they have not read or evaluated the article.[21] A third study showed that Twitter users are 70% more likely to share untrue news—often sensational and novel—than factual news.[22] While content creators in other media may also skew their content toward the sensational to get better reach, the tendency is more strongly reinforced on social media platforms, because they offer real-time feedback (likes, shares, retweets) on how audiences are reacting.[23]

Users may also have difficulty assessing the validity of information on these platforms because content is, for the most part, presented without obvious clues about its source, authenticity, quality, or the interests of those who created or shared it.[24] Unable to examine the facts and motives behind every post they see, users can take cognitive shortcuts; they tend to believe posts that come from friends, that are repeated or that are accompanied by photos.[25] Users' challenges in assessing information are compounded when an individual they trust, such as a political leader, posts or shares inaccurate or misleading information.[26]

> *"If there's one fundamental truth about social media's impact on democracy it's that it amplifies human intent—both good and bad. At its best, it allows us to express ourselves and take action. At its worst, it allows people to spread misinformation and corrode democracy. I wish I could guarantee that the positives are destined to outweigh the negatives, but I can't."* Samidh Chakrabarti, Facebook's Product Manager for Civic Engagement[27]

Data-driven digital advertising

The digital display advertising market in Canada is significant: in 2019, 53.5% of the total amount spent on advertising was spent on digital ads, representing $8.8 billion.[28] As with organic content, during the 2019 general election, Canadians encountered political content in the form of digital ads. This section provides a high-level description of how data-driven digital advertising services function, particularly in the Canadian electoral context.

Most social media platforms deliver data-driven advertising; they use automated software that lets advertisers exploit user data to target and optimize ads. Other companies, notably Google, also offer data-driven ads, displayed on search engine results pages and websites.[29] In recent times, virtually all digital ads have been data-driven,[30] with Google and Facebook accounting for almost three-quarters of the Canadian market.[31]

Ads are generally subject to more regulation than organic content. In the pre-election and election periods defined by the CEA, certain ads are subject to spending limits,[32] reporting requirements and taglines disclosing who paid for them.[33] Before the 2019 general election, a new CEA provision came into law: it requires platforms and websites reaching a defined threshold of visitors and running regulated ads posted in the pre-election or election period to create ad registries.[34]

Ad registries must make regulated ads public and provide information on who paid for each ad.[35] Major platforms responded to this new requirement in various ways: Google announced it would ban all issue and partisan ads in Canada;[36] Twitter announced it would accept such ads in the election period only;[37] and Facebook and some other platforms continued to accept these ads and published them in ad registries.[38]

How data-driven digital advertising services work

Data-driven advertising services deliver, optimize and price ads in ways that are different from those of traditional advertising channels, such as broadcast television. Their features, designed for commercial purposes, are very powerful, enabling advertisers to target consumers precisely and optimize their ads based on detailed real-time feedback on their performance with targeted segments of their audience.[39]

At the heart of digital advertising is data: platforms may hold tens of thousands of attributes on a single user.[40] This includes data that users provide directly, inferred data and behavioural data.[41] It can also include psychographic data[42] and highly detailed personal information purchased from data brokers.[43]

Platforms use these rich data to group users into segments for ad buyers—one reportedly offers 29,000 segments based on characteristics that include ethnic affinity, income, support for breastfeeding and smart device usage.[44] Some platforms allow advertisers to upload email addresses, phone numbers or postal codes to target known individuals.[45] Some also permit advertisers to target users who resemble a known audience, based on characteristics that the platform "thinks" are salient, but that are not made explicit to the advertiser or ad targets.[46]

Leveraging their detailed user data sets, machine-learning algorithms then optimize ads automatically and instantly, zeroing in on who is most receptive to their messages, when and in what format.[47] Using these tools, advertisers can profile consumers based on their susceptibility to various appeals, tweaking ads through multiple iterations in an attempt to find the most influential persuasion strategy for each individual user, such as appeals to authority or identity, favourite colours or images.[48] These ad services with machine-learning capabilities enable advertisers to continually iterate ads, often running thousands or tens of thousands at the same time, many to small audiences, in an effort to see which ads "stick."

The pricing model for data-driven advertising is also unique. Many ad services on platforms offer a real-time bidding system, where multiple advertisers compete to reach particular audiences. For example, if company A wishes to advertise to skiers, and company B to women in Alberta, when a female skier from Calgary logs on, the platform weighs the companies' bids and serves the woman the winning bidder's ad, based on calculations it has completed in microseconds.[49]

In choosing bids, some platforms consider factors other than price, such as relevancy—the likelihood that users exposed to the ad will watch, click or share it.[50] As one platform puts it, "we subsidize relevant ads in auctions, so more relevant ads often cost less and see more results."[51] Platforms' data-driven advertising services also let advertisers optimize campaigns to achieve specific behaviours: for example, if an advertiser optimizes for "shares," the platform shows ads to people who are the most likely to share, at a lower cost.[52]

Data-driven advertising services are popular among advertisers precisely due to the services' use of data and ability to optimize ad delivery at a relatively low cost to the advertiser.

Users are often not aware of how and why they see particular ads, nor are they aware of the impact that their clicks, likes and shares will have on the ads they will see in the future. Likewise, advertisers themselves may lack information on how these data-driven ads function. For instance, due to the ad-pricing models that many advertising services use, advertisers may not know how much a competitor is being charged for the delivery of their ads, and may be charged more or less than their competitors, depending on the content of the ad and who they are seeking to reach with it.[53] This raises questions about how level the playing field is for political actors purchasing digital ads.

The Impact of Platforms in Elections and Potential Regulatory Solutions

Over the last several years, a public discourse has emerged related to the effects of the new digital information sphere and its use (and abuse) by individuals, political actors and those who would seek to interfere with democratic electoral processes the world over.

Drawing on Elections Canada's observations of the 2019 general election,[54] as well as our review of the legislation and understanding of the advice of experts and evidence from other jurisdictions, the following sections consider these effects in terms of their impact on three critical components of the electoral ecosystem: transparency of messaging; access to reliable information related to the electoral process; and trust in the electoral process. To facilitate discussion, we provide examples of potential avenues for regulation throughout the text.

Transparency

Transparency of the electoral process promotes the accountability of political actors. This happens in two ways:

1. Transparency permits regulatory and enforcement bodies to determine whether people are breaking the law and to hold them accountable by using the available compliance and enforcement tools.

2. Transparency also allows citizens to hold political actors accountable in the court of public opinion and at the ballot box.[55]

Transparency of the source of advertising

The CEA requirements for taglines and ad registries both provide information to electors about who is responsible for ads they may see on platforms. It should be noted, however, that these transparency requirements apply only to advertising according to the CEA definition.

In the context of the Internet, the differentiation between what constitutes advertising—and is thus subject to the tagline and registry requirements—and what does not is set out in Elections Canada Interpretation Note 2015-04, "Election Advertising on the Internet."[56] In short, where a message on the Internet has—or would normally have—a placement cost, it constitutes advertising, but where there is no placement cost (such as when a user uploads a YouTube video for free to their channel), it does not constitute advertising.[57]

The important point is that the current transparency requirements in the CEA apply only to a subset of the messages placed on the Internet, and this only during the election or pre-election period.[58]

Transparency of the content of advertising

In addition to transparency in terms of who is responsible for advertising, the CEA contains certain requirements having to do with the transparency of the ad content.

At the time when most public messages took the form of television and radio ads broadcast widely, political ads tended to be seen by larger audiences. Now, platforms allow political actors to microtarget advertising within and across a number of platforms, meaning that some of their messages are seen by very small audiences. The new CEA provision requiring the creation of ad registries was introduced to address this new reality.

Even with the various ad registries created for the 2019 general election, however, the public had no easy way to search across registries to see all the ads run by a given political actor across all platforms, or to see all the ads targeted to a particular audience. Individuals and civil society organizations seeking to review all the ads run by an advertiser are required to find and look through each platform's ad registry—including platforms they may never have heard of. Further, the public still has no practical way to see all the non-advertising content that political entities distribute through various platforms: organic messages that do not cost money to produce (e.g. a Facebook post on a candidate's page), or messages that do cost money to produce but do not meet the CEA definition of advertising (e.g. a YouTube video).

Experts have proposed stricter requirements for ad registries, such as having to offer data that is easily searchable and machine readable.[59] Some experts propose that parties themselves should maintain registries of their ads on all platforms, or indeed of all their messaging.[60] Others argue for the creation of a centralized database for all political ads from all sources.[61]

Transparency of ad targeting criteria

The CEA obligation for ad registries does not include a requirement for platforms to disclose advertisers' targeting criteria. Mandatory disclosure of this information, which some experts have argued for,[62] could improve citizens' understanding of the way parties approach the electorate and how they promote themselves to people with different perceived interests.

Transparency about how platforms moderate and curate content

Platforms' practices related to moderation and curation remain largely unknown to users. The fact that each user has a unique personalized timeline and that much organic content cannot be found by searching the respective platform means it is hard to get a handle on trends and anomalies in the content users see, or to measure its effects.

Platforms regularly shut down inauthentic accounts and remove content that does not meet policies; in some cases, they announce takedowns of major information operations.[63] Yet because platforms do not give detailed information about moderation or curation decisions, it is difficult to know what decisions platforms are making, the basis for those decisions, and whether platforms are applying their rules and policies fairly and consistently.

In considering the impact of platforms on the access to reliable information, many experts point to recommendation algorithms as a place to bring more scrutiny.[64] One study conducted during the 2019 general election found that after a user clicked on a single post critical of a candidate, one platform's algorithm delivered dozens of posts in the same vein, filled with disinformation, conspiracy theories and inflammatory memes.[65] Experts have proposed various measures to increase platforms' accountability for algorithms. Some, such

as the *Algorithmic Accountability Act* introduced in the United States Congress, propose fostering government oversight of algorithms, such as reviews of training data (data the algorithm "learns" from), design bias and discriminatory outcomes.[66]

The challenge of achieving meaningful transparency

Some experts point to challenges in achieving enough transparency to deliver democratic outcomes. In the 2016 US presidential election, for example, the Trump campaign ran 50,000 to 60,000 concurrent ads each day,[67] making public scrutiny practically impossible. In Canada, spending limits[68] reduce the number of ads, but there are likely still too many to allow for meaningful scrutiny: a study of all political and partisan advertising in the ad registry of a single platform, Facebook, during the 2019 general election period found 44,725 ads.[69] The notion that transparency leads to accountability presumes that civil society has the capacity to review and critically evaluate tens or hundreds of thousands of ads.

This challenge may suggest that transparency alone is not enough to preserve the objectives of the CEA in this area. As well as challenges created by the sheer volume of content, there are challenges related to its quality. These are discussed in the next section.

Questions to consider:

➢ *What changes, if any, should be made to the CEA's existing ad registry requirements?*

- ○ *Should the registries be expanded to include content that is not an ad, such as organic posts?*

- ○ *Should registries be required to provide other kinds of metadata beyond who posted the ad, such as its cost and/or targeting criteria?*

- ○ *Who should be responsible for maintaining them? Why?*

➢ *What regulation, if any, should there be around the targeting of political ads?*

➢ *Should the use of algorithms in data-driven digital advertising be regulated? If so, how?*

Civic literacy and fact checking interventions

Many governments, civil society groups and social media platforms have launched digital, news or civic literacy programs, some with a fact-checking component.

Platforms regularly announce or adapt their fact-checking initiatives and policies in response to particular events such as elections or the COVID-19 pandemic. At the time of writing, one of many notable initiatives is Facebook's "fact-checking program," which involves collaboration with contracted fact checkers. In some cases, this reduces the reach of some types of content deemed inaccurate and/or displaying accurate content on topics that are often presented inaccurately.[70] Twitter has considered labelling harmful misinformation by public figures with clear warning labels, while Reddit relies on volunteer moderators to fact check content.[71]

In addition, many governments fund research and civic journalism to address the "substantial decline in civic and accountability journalism ... [and the undermining of] the century-old business model of newsroom journalism"[72] attributed to the rise of content-aggregating and digital advertising platforms. Canada's federal government has funded digital, news and civic literacy programming.[73]

While literacy and fact-checking initiatives go some distance toward addressing the threat of disinformation and misinformation online, critics of these initiatives have noted that such efforts may not be enough. Critics argue that those who would benefit most from civic literacy lessons are least likely to receive them.[74] Likewise, many users who are exposed to inaccurate information are unlikely to see the relevant fact-checked version. Further, such individual interventions do not address structural aspects that fundamentally affect what information users see and their ability to assess its veracity.[75] Lastly, platforms' fact-checking efforts rely on volunteers and partnerships with third parties, some of whose commitment to correct information has been called into question. For example, one platform faced criticism for granting fact-checker status to a site accused of spreading slanted and inaccurate information.[76]

Access to reliable information related to the electoral process

To participate meaningfully in the electoral process, voters need access to reliable information. They need to be able to access accurate information about when, where and ways to register and vote, as well as reliable information about their political options so they can meaningfully weigh their decision and cast their vote.

Reliable information about voting

To be able to exercise their democratic right to vote, voters need at a minimum to know how to do so. This requires accessing accurate and reliable information about when, where and ways to register and vote. Part of Elections Canada's mission is to ensure that Canadians can exercise their democratic right to vote; having accurate information about registration and voting, and ensuring that this information is properly communicated, is at the core of the agency's function.

Malign actors who want to supress votes may spread inaccurate information on the voting process. This sort of information is also sometimes spread by well-meaning people who do not have the intention of suppressing votes.

In contrast to what they can observe in traditional media, outside observers cannot see everything that circulates through social media because of the scale, speed and targeting of individual users that those platforms make possible. This means that false or misleading information about how to vote can spread widely on social media, undetected by entities concerned with ensuring that voters can exercise their democratic right.

During the 2019 general election, Elections Canada monitored closely for inaccurate information on the voting process. We detected few instances, and those we did see seemed to have little reach. Most such content appeared to be posted by Canadians making honest mistakes; a few such posts made by media or candidates were later corrected by their author.

> *On election day Elections Canada saw, on a few platforms, variations of a post stating that supporters of some parties should vote at a later date. While they may have been intended as a joke, these posts had the potential to suppress votes, particularly among those already facing barriers to voting. The agency flagged the posts to the platforms for their consideration and removal, given that such posts violate platforms' community standards.*[77]

In recent months, in the context of elections in other jurisdictions, notably the United States, many platforms have made further commitments to monitor for and remove inaccurate information about when, where and ways to register and vote.[78] We may see continued success in limiting this type of inaccurate information if all platforms monitor proactively for it and remove it.

However, the move toward closed and private social media spaces presents challenges for detecting harmful information spreading online. Similarly, the abundance of languages spoken in Canada presents challenges for monitoring public spaces online, meaning that harmful information could spread widely online without being detected and addressed.

During the 2019 general election and since then, Elections Canada has observed that discourse on social media platforms related to voting is often focused on the perceived integrity of the electoral process itself. Some of this discourse includes false or misleading claims that the election process had been interfered with or otherwise lacks integrity. Unreliable information on the integrity of the electoral process can harm public trust in the process and confidence in the results it delivers. That topic is discussed in more detail in the section on trust below.

Private social media spaces and messaging services

As concerns about privacy and the use of social media platforms have grown, there has been a shift to more private and group-oriented communication online, such as WhatsApp or Facebook Groups, as well as growth in the use of ephemeral (short-lived) communications such as those offered by Instagram Stories and Snapchat.[79] Canadians are increasingly sharing information in closed social media groups and in private messaging apps.[80]

Critics argue that the shift to closed spaces and private communications presents challenges for social media platforms because they may not have the capacity to monitor for content breaking "the social network's rules against hate speech, harassment and other ills" that could spread in these spaces.[81] Nor can outside observers have access to these private spaces to know whether policies are being enforced.

Apart from monitoring, platforms could make, and are making, other interventions in private messaging. For instance, in April 2020, WhatsApp introduced new limits on the forwarding of viral messages to reduce the spread of potentially harmful, inaccurate or misleading information in private conversations.[82] This action was taken in response to misinformation about the novel coronavirus spreading on the platform. WhatsApp began experimenting with forwarding limits in 2018, after rumours that spread virally on the platform were linked to mob violence in India.[83]

Reliable information about voters' options

For voters to be able to make a considered voting decision, it is important for them to know the range of political options on offer and to have reliable information they can use to make their choices. For voters to be able to know, as fully as possible, what their options are, political actors need a fair opportunity to make their platforms known and a level playing field on which to compete.

The CEA contains various provisions that support the objective of fairness. Some of these provisions address the uneven impact that can result from the use of money: spending limits and refunds for a portion of some parties' and candidates' election expenses, for example, reduce the potential for political actors with more money to dominate the electoral discourse.

The CEA also includes measures to ensure that electors have the opportunity to hear from a range of candidates and parties. For example, the CEA accords all candidates and parties access to the lists of electors so they can campaign[84] and allows candidates access to multi-resident buildings and public places for canvassing.[85] It also provides free broadcasting time and requires paid broadcasting time to be provided at low and equitable rates to ensure that all registered political parties have an opportunity to make their platforms known to Canadians.[86] These provisions benefit voters by helping to ensure that they know and can evaluate their options so they can make an informed choice.

Malign actors can use social media platforms to impede voters' ability to make a considered choice by spreading false or misleading information about opponents or by using deceptive tactics to suppress voices or divert electors' attention.

Malign actors can misrepresent their opponents and their policies to dissuade voters from supporting them. Elections Canada did not monitor for this type of inaccurate information during the 2019 general election, since the agency's role is not to assess the accuracy of political claims. (We note that political entities tend to monitor their opponents' campaigns and hold one another accountable for honesty and integrity.)

While the CEA has narrow prohibitions on certain types of false statements about candidates and people associated with parties, and on using a pretense or contrivance to influence electors, regulating how political actors describe their opponents can be difficult, as it risks limiting legitimate political expression. That said, the volume and speed at which false claims may spread on social media provide a challenge that did not exist before with traditional media.[87]

In extreme cases, malign actors use false identities, bots or paid trolls to "game" platforms' organic content and ad algorithms, artificially amplifying or suppressing voices to achieve strategic goals.[88] Intelligence agencies, researchers and platforms themselves continue to detect coordinated digital interference in elections by a range of actors, including states.[89] While platforms have added authentication requirements for users and political advertisers, malign actors have found ways to circumvent them by hiding behind fabricated or stolen identities or rented accounts.[90] Platforms continue to remove billions of fake accounts each year; estimates of fake regular monthly users on popular platforms range from 5% to 20%.[91]

Harassment of political actors and voters on social media can also impact candidates' and voters' participation in the electoral process and voters' ability to hear from a diversity of candidates. There are indicators of networked online harassment during the 2019 general election, which researchers say can prevent some politicians—disproportionately, women and people of colour—from experiencing an equitable opportunity to inform voters of their policy platforms, as their messages may be drowned out or they may be driven offline or out of a race[92] as a result of threats to their safety. To illustrate the vitriolic messages that female politicians receive, a member of Quebec's National Assembly read into the record some messages she had received; they included "kill yourself" and "if I were your son or daughter, I would be ashamed of you."[93]

In the 2016 US presidential election, malign actors posing as African-Americans worked actively to depress that community's vote through suggestions that voting does not matter and that no candidate had their interests at heart.[94] This is an example of a foreign state–sponsored effort to affect or narrow voters' choices by influencing which voting option they choose and why.

Malign actors can also use platforms to deliberately "flood the zone" with dubious and contradictory content: "[g]iven our finite attention, flooding social media with junk is a way to suppress the free exchange of ideas."[95] "Flooding the zone" means that voters who are on social media may end up being distracted or diverted away from relevant content that contributes to making informed decisions.[96]

Research shows that the architecture of the platforms may impede a fair hearing of diverse viewpoints by reinforcing polarization and affecting the information voters consume. Choices made by users and algorithms create a spiral that feeds one-dimensionality and manifests itself in online social networks that are divided along ideological lines.[97] Viewpoints can go unchallenged and spread further among users in "filter bubbles"—in

which "algorithms inadvertently amplify ideological segregation by automatically recommending content an individual is likely to agree with"[98]—and "echo chambers," online environments where members are largely exposed only to opinions confirming their own.[99]

Questions to consider:

➢ *Should there be regulation to require all digital and social media platforms to delete inaccurate or misleading content on where, when and ways to vote? If so, what sort of regulation?*

➢ *How should Elections Canada work with other stakeholders (platforms, regulated actors, civil society groups, researchers) who may be involved in this field?*

➢ *Should digital and social media platforms have legal obligations to report publicly on any accounts or content they have removed? If so, exactly what information should they be required to report publicly?*

➢ *Should further measures be taken by social media platforms to reduce the spread of potentially harmful inaccurate and/or misleading information in private spaces?*

➢ *What are the risks for elections administrators such as Elections Canada in using digital and social media platforms to reach electors? What mitigating measures could be adopted to manage these risks?*

Trust in the electoral process

The final element of the electoral ecosystem affected by digital and social media platforms is trust. Without trust in the electoral process, electors are less likely to cast a ballot, believe the results are true or consider election winners legitimate.[100] One of the primary objectives of the CEA is to ensure that Canadians have trust in the results of elections and the process that led to those results. Canadians may not succeed in electing the representatives or government they all want, but it is nonetheless crucially important that they have trust in the process by which those representatives and that government are elected.

The CEA seeks to contribute to this environment of trust by creating an open and public process for elections according to clear and consistently applied rules. A primary role of the Chief Electoral Officer, stemming from the creation of this office a century ago, is to standardize the application of the rules for federal elections across the country, which contributes to reinforcing the trust of Canadians in the electoral process.

The 2019 general election was Canada's "most online" election, with social media platforms offering a means for millions of Canadians to voice their support for or opposition to candidates or parties.[101] Inaccurate and misleading content online can reduce citizens' trust in the electoral process.

Canadians generally have a high level of trust in Elections Canada and the electoral process.[102] However, recent research shows that Canadians' trust in governments, media, leaders, corporations and even not-for-profit organizations is declining.[103] During and since the 2019 general election, Elections Canada observed expressions of distrust in the election process and its outcome. Given that the erosion of trust occurs over time, these early indications are cause for concern.

While scrutiny and criticism of Elections Canada's administration of the election is legitimate and welcome, a distinction must be made between unsupported expressions of distrust on one hand and constructive feedback on the other. The agency benefits from users who contact the agency through social media to deliver feedback on Elections Canada's services. The agency does not consider such feedback to have the potential to negatively affect the public's trust in the electoral process or election results.

That said, unsupported expressions of distrust containing false or misleading information or based on incorrect assumptions have the potential to harm trust in the electoral process. Elections Canada observed such posts on social media falling into three categories:

- posts deliberately misrepresenting or exaggerating real but isolated incidents

- posts containing outright fabrications

- posts seemingly based on confusion about the electoral process

A notable example of posts in the second category was a fabricated story posted on the first day of advance polls, where a user alleged that they had witnessed ballot tampering ("smudging" of pencil marks) and "chaos" at a Toronto-area polling place. In this instance, Elections Canada immediately looked into the matter and determined that the allegations had no basis in fact. In the days that followed, the agency observed the original story and many variants of it spreading to several platforms. Elections Canada staff learned anecdotally that the fabricated story was also being shared on a private messaging app and in person at community gathering places. Later, a journalist covered the false allegation,[104] ultimately debunking it but nevertheless demonstrating the wide reach of social media. This incident demonstrated how quickly and easily fabricated information can spread among platforms and to other channels.

In the third category, the agency detected posts alleging that Elections Canada must not have counted votes cast at advance polls, since it did not provide voting results right after advance polls closed; some users evidently did not realize that these ballots are counted and reported on election night.

The posts cited above expressed distrust based on specific concerns noted by users. Elections Canada also saw expressions of distrust that were more vague; in these posts, users made general accusations that the agency is "corrupt" or that the election process is "rigged."

While Elections Canada kept a close eye on these sorts of expressions of distrust featuring false or misleading information about the integrity of the process, the agency did not flag these posts to the social media platforms, as the posts did not violate the platforms' policies at the time.

Social media posts such as these—which are not based in fact—raise concern as they can harm trust in the electoral process. Some experts examining the general decline in trust in institutions seen in many Western democracies have posited that social media platform use contributes to this trend by reducing citizens' access to reliable information and increasing their access to inflammatory content.[105]

Questions to consider:

➢ *What additional role, if any, should Elections Canada play to build trust in elections and democracy? What role should other actors play in this area?*

Endnotes

[1] Adapted from Jonathan A. Obar and Steven S. Wildman, "Social Media Definition and the Governance Challenge: An Introduction to the Special Issue," *Telecommunications Policy* 39, no. 9 (2015): 745–50. Quello Center Working Paper 2663153.

[2] The Communications Security Establishment (CSE) has described the threats that Canada's own electoral process faces. In reports published in 2017 and 2019, the CSE reported that cyber interference in democracies with advanced economies has more than tripled since 2015, and that around the world, domestic and non-state actors have been adopting techniques including the use of disinformation and artificial amplification. These techniques are used to realize goals that include depressing turnout, changing election outcomes, and sowing distrust and discord. Communications Security Establishment, "Cyber Threats to Canada's Democratic Process" (2017). https://cyber.gc.ca/sites/default/files/publications/cse-cyber-threat-assessment-e.pdf; Communications Security Establishment, "2019 Update: Cyber Threats to Canada's Democratic Process" (2019). https://cyber.gc.ca/sites/default/files/publications/tdp-2019-report_e.pdf

[3] Elections Canada, "Election Security," February 7, 2020. https://www.elections.ca/content.aspx?section=vot&dir=bkg/sec&document=index&lang=e/; Democratic Institutions, "Government of Canada unveils plan to safeguard Canada's 2019 election," Government of Canada, January 30, 2019. https://www.canada.ca/en/democratic-institutions/news/2019/01/government-of-canada-unveils-plan-to-safeguard-canadas-election.html/. See, further, Office of the Chief Electoral Officer of Canada, "Report on the 43rd General Election of October 21, 2019," 57–60. https://www.elections.ca/res/rep/off/sta_ge43/stat_ge43_e.pdf. During the election campaign itself, the federal government did observe attempted information influence operations, though none met the threshold for public communication as laid out by the Critical Election Incident Public Protocol (Elizabeth Thompson, "'More needs to be done,' Gould says after some online election meddling detected," CBC News, October 28, 2019. https://www.cbc.ca/news/politics/election-misinformation-disinformation-interference-1.5336662/).

[4] Taylor Owen, "Introduction: Why Platform Governance?" in *Models for Platform Governance: A CIGI Essay Series* (2019), 3–6. https://www.cigionline.org/articles/introduction-why-platform-governance/

[5] At the federal level in Canada, this debate has featured in parliamentary committees such as the Access to Information, Privacy and Ethics Committee (ETHI), the Procedure and House Affairs Committee (PROC) and others, as well as policy development by the (former) ministry of Democratic Institutions and by Canadian Heritage, and studies and investigations by federal and provincial privacy commissioners. In the US, studies conducted by the Senate Intelligence Committee and other committees, as well as FBI investigations culminating in the Mueller Report and many other investigations, reports and studies, have focused on these questions. The UK Parliament's Digital, Culture, Media and Sport Committee has issued a white paper on regulating online harms; the UK Information Commissioner and Elections Commissioner have both published reports and investigations on the topic, as have many civil society and marketing organizations in the UK. There has also been a joint international effort in this area: the International Grand Committee on Big Data, Privacy and Democracy, which had participation from the Parliaments of 17 countries, including Canada. A recent poll found that sixty percent of Canadians feel the government should intervene to "require that social media companies fix the problems they created in our political system" (Abacus Data (August 2019), cited in Tony Wang, "Majority of Canadians want government to regulate social media, poll says,"

The Toronto Star, September 25, 2019. https://www.thestar.com/news/canada/2019/09/25/majority-of-canadians-want-government-to-regulate-social-media-poll-says.html.

[6] For example, Facebook has expressed the need "for new regulatory frameworks for online content – frameworks that ensure companies are making decisions about online speech in a way that minimizes harm but also respects the fundamental right to free expression" (Monika Bickert, "Charting a Way Forward: Online Content Regulation," Facebook, February 2020, 4. https://about.fb.com/wp-content/uploads/2020/02/Charting-A-Way-Forward_Online-Content-Regulation-White-Paper-1.pdf).

[7]; Kristie Phillips and Brian Fung, "Facebook Admits Social Media Sometimes Harms Democracy," *The Washington Post,* January 22, 2018. https://www.washingtonpost.com/news/the-switch/wp/2018/01/22/facebook-admits-it-sometimes-harms-democracy/; Adam Mosseri, "Working to Stop Misinformation and False News," *Facebook,* April 7, 2017. https://www.facebook.com/facebookmedia/blog/working-to-stop-misinformation-and-false-news

[8] In this paper, we examine the operation of platforms that were widely used at the time of the 43rd general election, from the pre-election period that started on June 30, 2019, until election day, October 21, 2019. During this general election, EC's Social Media Monitoring Unit "provided timely insights and actionable information to support effective election delivery and communications, and to safeguard Canadians' trust in the electoral process." The team, fluent in 21 languages, "monitored keywords appearing in public posts on several social media networks, to detect: events that could impede electors or election delivery, feedback on Elections Canada's services, websites and social media accounts that falsely claimed to belong to Elections Canada, inaccurate information about the electoral process, whether intentional or unintentional." See further, Office of the Chief Electoral Officer of Canada, "Report on the 43rd General Election of October 21, 2019," 57–60. https://www.elections.ca/res/rep/off/sta_ge43/stat_ge43_e.pdf

[9] Elections Canada has accounts in both official languages on Facebook, Twitter, Instagram, YouTube and LinkedIn. On election day, these accounts had a combined 109,000 followers. Our social media efforts were part of an extensive multi-channel awareness campaign to inform Canadians about when, where and ways to register and vote. For example, Facebook encouraged eligible Canadian users to register to vote by sharing a link to Elections Canada's online registration service.

[10] GlobalWebIndex (Q3 2019), cited in We Are Social, "Digital 2020: Canada" (2020), slide 43. https://wearesocial.com/ca/digital-2020-canada; Figures are based on internet users' self-reported behaviour.

[11] Although the distribution of organic content is subject to relatively few regulations, it should be kept in mind that costs associated with the production of the posts (e.g. for a video that is later shared organically) may constitute expenses that are subject to regulation under the political financing rules of the *Canada Elections Act* (hereinafter "CEA").

[12] Government of Canada, "Canada Declaration on Electoral Integrity Online" (2019). https://www.canada.ca/en/democratic-institutions/services/protecting-democracy/declaration-electoral-integrity.html/. See also Joan Bryden, "Several tech giants sign onto Canadian declaration on electoral integrity," Global News, May 27, 2019. https://globalnews.ca/news/5323084/tech-giants-electoral-integrity/

[13] Jonathan Haidt and Tobias Rose-Stockwell, "The Dark Psychology of Social Networks: Why It Feels Like Everything Is Going Haywire," *The Atlantic*, December 2019. https://www.theatlantic.com/magazine/archive/2019/12/social-media-democracy/600763/

[14] Ibid. One form this takes is the practice of testing multiple variants of headlines to find the version that generates the highest click-through rate, then pushing out that successful variant; this has given rise to so-called clickbait headlines of the "… you won't believe what happened next" variety.

[15] For example, see Facebook's Community Standards at https://www.facebook.com/communitystandards/objectionable_content/ or Twitter's Rules at https://help.twitter.com/en/rules-and-policies/twitter-rules/

[16] Renee Diresta, "Up Next: A Better Recommendation System," *Wired,* November 4, 2018. https://www.wired.com/story/creating-ethical-recommendation-engines/

[17] Will Oremus, "Who Controls Your Facebook Feed," *Slate*, January 3, 2016. http://www.slate.com/articles/technology/cover_story/2016/01/how_facebook_s_news_feed_algorithm_works.html/

[18] Taylor Owen, "The Case for Platform Governance," CIGI Papers No. 231 (November 2019), 3–4. https://www.cigionline.org/sites/default/files/documents/Paper%20no.231web.pdf

[19] Will Oremus, "Who Controls Your Facebook Feed," *Slate*, January 3, 2016. http://www.slate.com/articles/technology/cover_story/2016/01/how_facebook_s_news_feed_algorithm_works.html/. Oremus notes, for example, that Facebook's algorithms tend to reward content that is "engineered to go viral" by drowning out other types of posts on users' newsfeeds.

[20] William J. Brady, Julian A. Wills, John T. Jost, Joshua A. Tucker and Jay J. van Bavel, "Emotion Shapes the Diffusion of Moralized Content in Social Networks," *Proceedings of the National Academy of Sciences of the United States of America* 114, no. 28 (July 11, 2017; first published June 26, 2017): 7313–18, at 7313. https://doi.org/10.1073/pnas.1618923114/; Pew Research Center, "Partisan Conflict and Congressional Outreach," February 23, 2017. https://www.people-press.org/wp-content/uploads/sites/4/2017/02/LabsReport_FINALreport.pdf, cited in Jonathan Haidt and Tobias Rose-Stockwell, "The Dark Psychology of Social Networks: Why It Feels Like Everything Is Going Haywire," *The Atlantic*, December 2019. https://www.theatlantic.com/magazine/archive/2019/12/social-media-democracy/600763/

[21] Giovanni Luca Ciampaglia and Filippo Menczer, "Biases Make People Vulnerable to Misinformation Spread by Social Media," *Scientific American*, June 21, 2018. https://www.scientificamerican.com/article/biases-make-people-vulnerable-to-misinformation-spread-by-social-media/

[22] Soroush Vosoughi, Deb Roy and Sinan Aral, "The spread of true and false news online," *Science* 359, no. 6380 (March 8, 2018): 1146–51, at 4. https://science.sciencemag.org/content/sci/359/6380/1146.full.pdf

[23] Hunt Allcott and Matthew Gentzkow, "Social Media and Fake News in the 2016 Election," *Journal of Economic Perspectives* 31, no. 2 (2017): 211–35, at 212 and 214.

[24] Siva Vaidhyanathan, *Anti-Social Media* (New York: Oxford University Press, 2018).

[25] Eryn J. Newman and Lynn Zhang, "Truthiness: How Non-Probative Photos Shape Belief," in R. Greifeneder, M. Jaffé, E. J. Newman and N. Schwarz (eds.), *The Psychology of Fake News: Accepting, Sharing, and Correcting Misinformation* (New York: Routledge, 2020). https://www.researchgate.net/publication/337032205_Truthiness_How_Non-Probative_Photos_Shape_Belief/; American Press Institute, "'Who Shared It?': How Americans Decide What News to Trust on Social Media," March 20, 2017. https://www.americanpressinstitute.org/publications/reports/survey-research/trust-social-media/

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[27] Samidh Chakrabarti, "Hard Questions: What Effect Does Social Media Have on Democracy?" Facebook blog, January 22, 2018. https://about.fb.com/news/2018/01/effect-social-media-democracy/

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29 "Ads and data," *Safety Centre*, Google. https://safety.google/privacy/ads-and-data/

30 Quoted in Bree Rody, "Programmatic to Dominate in Canada by 2020: Study," *Media in Canada*, November 26, 2018. https://mediaincanada.com/2018/11/26/programmatic-to-dominate-in-canada-by-2020-study/

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32 CEA, S.C. 2000 c. 9., ss 350(1)(b), 429.1 and 430(1).

33 For digital ads where space does not permit a tagline, it is acceptable to put information on the page the user saw after clicking on the ad. For more details, see Elections Canada, "Election Advertising on the Internet" (Interpretation Note 2015-04), July 30, 2015. https://www.elections.ca/content.aspx?section=res&dir=gui/reg&document=index&lang=e/

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35 "New Registry Requirements for Political Ads on Online Platforms," Elections Canada. https://www.elections.ca/content.aspx?section=pol&dir=regifaq&document=index&lang=e/

36 Tom Cardoso, "Google to ban political ads ahead of federal election, citing new transparency rules," *The Globe and Mail*, March 4, 2019. https://www.theglobeandmail.com/politics/article-google-to-ban-political-ads-ahead-of-federal-election-citing-new/

37 Michele Austin, "An update on Canadian political advertising," Twitter blog, August 29, 2019. https://blog.twitter.com/en_ca/topics/company/2019/update_canadian_political_advertising_2019.html/

38 "Updates to ads about social issues, elections or politics," Facebook for Business, updated June 25, 2019. https://www.facebook.com/business/news/updates-to-ads-about-social-issues-elections-or-politics; The Digital Advertising Alliance of Canada provides a link to ad registries for Bell Media, CBC–Radio Canada, Facebook, The Globe and Mail, Postmedia and Rogers: https://politicalads.ca/en/registries/

39 Anthony Nadler, Matthew Crain and Joan Donovan, "Weaponizing the Digital Influence Machine: The Political Perils of Online Ad Tech," *Data & Society*, October 17, 2018, 18.

40 Ibid., 11–12.

41 Ibid., 11–13.

42 "Psychographics" refer to data collected by analyzing consumers' "activities, interests, and opinions," such as taste in movies, restaurants and music, type of car, reading and TV viewing habits, locations and club memberships (CBInsights, 2018; Kranish, 2016). Such data go beyond standard demographic data used in marketing, such as age, gender or race, and can be used to generate highly tailored messages that "trigger a range of emotional and subconscious responses" by appealing to each consumer's vulnerabilities and biases (CBInsights, 2018; Chester and Montgomery, 2017, 6–7). Companies such as Cambridge Analytica have used psychographic data to develop messages "tailored to the vulnerabilities of individual voters" in an effort to influence the recipient's vote choice (Chester and Montgomery, 2017, 6–7). See CBInsights, "What is Psychographics? Understanding the 'Dark Arts' of Marketing that Brought Down Cambridge Analytica," CBInsights, June 7, 2018. https://www.cbinsights.com/research/what-is-psychographics/; Jeff Chester and Kathryn C. Montgomery, "The Role of Digital Marketing in Political Campaigns," *Internet Policy Review* 6, no. 4 (December 2017): 1–20, at 6–7; Michael Kranish, "Trump's plan for a comeback includes building a 'psychographic' profile of every voter," *The Washington Post,* October 27, 2016.

https://www.washingtonpost.com/politics/trumps-plan-for-a-comeback-includes-building-a-psychographic-profile-of-every-voter/2016/10/27/9064a706-9611-11e6-9b7c-57290af48a49_story.html/

[43] Anthony Nadler, Matthew Crain and Joan Donovan, "Weaponizing the Digital Influence Machine: The Political Perils of Online Ad Tech," *Data & Society*, October 17, 2018, 13, 18.

[44] Julia Angwin, Surya Mattu and Terry Parris, Jr, "Facebook Doesn't Tell Users Everything It Really Knows About Them," *ProPublica*, December 27, 2016. https://www.propublica.org/article/facebook-doesnt-tell-users-everything-it-really-knows-about-them/

[45] For example, Facebook names this feature "custom audiences."
https://www.facebook.com/business/help/341425252616329?id=2469097953376494

[46] For example, Facebook names this feature "lookalike audiences."
https://www.facebook.com/business/help/164749007013531?id=401668390442328/

[47] Jerry Dischler, "Putting Machine Learning into the Hands of Every Advertiser," Google blog, July 10, 2018. https://www.blog.google/technology/ads/machine-learning-hands-advertisers/

[48] Matt Gay, "Machine Learning Will Transform the Advertising Industry," *CMS Wire*, October 26, 2017. https://www.cmswire.com/digital-marketing/machine-learning-will-transform-the-advertising-industry/

[49] This example was adapted from one provided by Facebook. Facebook, "Ad delivery," Facebook Business Help Center.
https://www.facebook.com/business/help/430291176997542?id=561906377587030/

[50] Facebook, "Ad pricing," Facebook Business Help Center.
https://www.facebook.com/business/help/201828586525529?id=629338044106215/

[51] Facebook, "Ad delivery," Facebook Business Help Center.
https://www.facebook.com/business/help/430291176997542?id=561906377587030/

[52] According to Facebook, "When you make your 'Optimization for Ad Delivery' choice for an ad set, you're telling us to get you as many/much of that result as efficiently as possible. For example, if you optimize for link clicks, your ads are targeted to people in your audience who are most likely to click the ads' links." Facebook for Business, "About Optimizing for Ad Delivery."
https://www.facebook.com/business/help/355670007911605?id=561906377587030/

[53] A former member of Facebook's advertising team claimed, in an op-ed piece, that the platform's advertisement architecture led to significantly lower advertisement fees for Trump's campaign compared to Clinton's during the 2016 election: "During the run-up to the election, the Trump and Clinton campaigns bid ruthlessly for the same online real estate in front of the same swing-state voters. But because Trump used provocative content to stoke social media buzz, and he was better able to drive likes, comments, and shares than Clinton, his bids received a boost from Facebook's click model, effectively winning him more media for less money." Antonio Garcia Martinez, "How Trump Conquered Facebook – Without Russian Ads," *Wired*, February 23, 2018. https://www.wired.com/story/how-trump-conquered-facebookwithout-russian-ads/

[54] We rely in part on the monitoring that Elections Canada staff did leading up to, during and after the 2019 election. Our team searched keywords on open platforms to find inaccurate information about the electoral process, particularly about when, where and ways to register and vote, feedback on our services, misuse of Elections Canada's identity and indicators of incidents, such as power outages, that could impede election delivery. Our focus was on finding items that could impact electors' access to the vote so we could remedy the situation quickly through operational and/or communications responses. We were not looking for CEA violations.

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57 Ibid.

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66 Taylor Owen, "The Case for Platform Governance," Centre for International Governance Innovation Papers Series, Paper No. 231, November 4, 2019, 13. https://www.cigionline.org/publications/case-platform-governance/. Interestingly, the Government of Canada has issued a Directive on Automated Decision Making, which applies to the use of artificial

intelligence in service delivery decision making by Government of Canada entities. The objective of the Directive is that automated decision systems are used by the government in a way that "leads to efficient, accurate, consistent, and interpretable decisions made pursuant to Canadian law." The Directive does not apply to agents of Parliament, including Elections Canada. Government of Canada, "Directive on Automated Decision-Making," Treasury Board Secretariat, 2019. https://www.tbs-sct.gc.ca/pol/doc-eng.aspx?id=32592/

[67] Jacquelyn Burkell and Priscilla M. Regan, "Voter Preferences, Voter Manipulation, Voter Analytics: Policy Options for Less Surveillance and More Autonomy," *Internet Policy Review* 8, no. 4 (2019): 7.

[68] CEA, *infra*., ss. 350(1)(b), 429.1 and 430(1). Ad registries were created by Bell Media, CBC–Radio Canada, Facebook, The Globe and Mail, Postmedia and Rogers.

[69] Damian McCoy, "Facebook Advertising during the Canadian Federal Election," presented at Digital Ecosystem Research Challenge, Ottawa, Ontario, February 21, 2020. For more information on this study, see https://www.digitalecosystem.ca/report/

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[72] Nushin Rashidian et al., "Friend and Foe: The Platform Press at the Heart of Journalism," *Tow Center for Digital* Journalism, 2018, and Robert W. McChesney and Victor Picard, eds., *Will the Last Reporter Please Turn Out the Lights: The Collapse of Journalism and What Can Be Done to Fix It*, New York, NY: The New Press, 2011, quoted in Taylor Owen, "The Case for Platform Governance," CIGI Papers No. 231 (November 2019), 11. https://www.cigionline.org/sites/default/files/documents/Paper%20no.231web.pdf

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[76] Judd Legum, "The Daily Caller Uses Status as Facebook Fact-checker to Boost Trump," *Popular Information*, March 3, 2020. https://popular.info/p/the-daily-caller-uses-status-as-facebook/

[77] In a few instances, Elections Canada flagged inaccurate posts to social media platforms for their consideration. Between August and October 31, the agency flagged 28 instances of inaccurate information and/or impersonation on social media platforms. The platforms reviewed the posts in light of their terms of service and in some cases removed the posts or accounts.

[78] Many announcements are in anticipation of and in response to activities related to elections, notably the 2020 US presidential election. See, for example, Facebook's October 2019 announcement about the steps the platform is taking "to help protect" the 2020 US elections: https://about.fb.com/news/2019/10/update-on-election-integrity-efforts/; for Twitter, see https://about.twitter.com/en_us/advocacy/elections-integrity.html#us-elections/

[79] Sara Fischer, "Privacy Concerns Push People to Private, Group-based Platforms," Axios, February 12, 2019. https://www.axios.com/privacy-concerns-push-people-to-private-group-platforms-f8561226-4cb4-4def-b11a-031edf590dba.html/

[80] J. Clement, "Social Networking in Canada – Statistics & Facts," *Statista.com*, September 18, 2019. https://www.statista.com/topics/2729/social-networking-in-canada/ and https://www.statista.com/forecasts/998512/social-media-activities-in-canada. As a response to increased scrutiny following the misuse of Facebook data by Cambridge Analytica, the platform has begun touting "private" groups as the future of social networking on Facebook—however, such groups can concentrate misinformation. See Elizabeth Dwoskin, "Facebook says private groups are its future. Some are hubs for misinformation and hate," *The Washington Post,* July 5, 2019. https://www.washingtonpost.com/technology/2019/07/05/facebook-says-private-groups-are-its-future-some-are-hubs-misinformation-hate/; Kurt Wagner, "This Could Be the Beginning of the End for Facebook's Social Network," Vox.com, March 7, 2019. https://www.vox.com/2019/3/7/18254298/facebook-private-messaging-zuckerberg-questions-social-network-dying/; Nic Newman, Richard Fletcher, Antonis Kalogeropoulos and Rasmus Kleis Nielsen, "Reuters Institute Digital News Report 2019," Reuters Institute for the Study of Journalism, 2019, 18. https://reutersinstitute.politics.ox.ac.uk/sites/default/files/inline-files/DNR_2019_FINAL.pdf

[81] Elizabeth Dwoskin, "Facebook says private groups are its future. Some are hubs for misinformation and hate," *The Washington Post*, July 5, 2019. https://www.washingtonpost.com/technology/2019/07/05/facebook-says-private-groups-are-its-future-some-are-hubs-misinformation-hate/

[82] Casey Newton, "WhatsApp puts new limits on the forwarding of viral messages," *The Verge*, April 7, 2020. https://www.theverge.com/2020/4/7/21211371/whatsapp-message-forwarding-limits-misinformation-coronavirus-india/

[83] Ibid.

[84] CEA, *infra*, s. 93.

[85] CEA, *infra*, ss. 81 and 81.1.

[86] CEA, *infra*, ss. 335–348.

[87] Hunt Allcott and Matthew Gentzkow, "Social Media and Fake News in the 2016 Election," *Journal of Economic Perspectives* 31, no. 2 (2017): 211–35.

[88] Communications Security Establishment, "Cyber Threats to Canada's Democratic Process" (2017), 5, 28. https://cyber.gc.ca/sites/default/files/publications/cse-cyber-threat-assessment-e.pdf; Communications Security Establishment, "2019 Update: Cyber Threats to Canada's Democratic Process" (2019), 9, 13. https://cyber.gc.ca/sites/default/files/publications/tdp-2019-report_e.pdf

[89] Ibid.

[90] Michael Schwirtz and Sheera Frenkel, "In Ukraine, Russia tests a new Facebook tactic in election tampering," *The New York Times*, March 29, 2019. https://www.nytimes.com/2019/03/29/world/europe/ukraine-russia-election-tampering-propaganda.html/

[91] In November 2019, Facebook announced that it had removed 5.4 billion fake accounts in 2019, an increase over the 3.3 billion fake accounts removed in 2018. In mid-2019, Facebook estimated that 5% of its current active monthly users are fake; however, outside observers estimate that figure to be much higher—potentially as high as 20%. It has been estimated that 8% or 9% of Instagram accounts are fake. From May to July 2018, Twitter shut down approximately 70 million fake or suspicious accounts. At the time, this represented approximately 15% of Twitter's total user base. Matt Davis, "Billions of Fake Accounts: Who's Messaging You on Facebook?" *Big Think*, November 20, 2019. https://bigthink.com/politics-current-affairs/facebook-banned-accounts/; Reed Albergotti and Sarah Kuranda, "Instagram's Growing Bot Problem," *The Information*, July 18, 2018. https://www.theinformation.com/articles/instagrams-growing-bot-problem/; Instascreener, "Quantifying Fake Accounts and Inauthentic Engagements on Instagram," *Instascreener*, June 2019. https://instascreener.com/blog/quantifying-fake-accounts-inauthentic-engagements/; BBC News, "Twitter 'shuts down millions of fake accounts,'" July 9, 2018. https://www.bbc.com/news/technology-44682354/

[92] For example, Kim Weaver, an Iowa Democrat, dropped out of a US House of Representatives race in 2017, citing threats to her safety as one of the primary reasons. See Molly Longman and Jason Noble, "Kim Weaver withdraws her candidacy in Iowa's 4th District race for Congress," *Des Moines Register*, June 3, 2017. https://www.desmoinesregister.com/story/news/2017/06/03/kim-weaver-withdraws-her-candidacy-iowas-4th-district-race-congress/368389001/

[93] Janie Gosselin, « Violence en ligne contre les femmes : des messages crus lu à Quebec » , *La Presse,* November 28, 2019. https://www.lapresse.ca/actualites/politique/201911/28/01-5251538-violence-en-ligne-contre-les-femmes-des-messages-crus-lus-a-quebec.php/

[94] Scott Shane and Sheera Frenkel, "Russian 2016 influence operation targeted African-Americans on social media," *The New York Times*, December 17, 2018; Paul M. Barrett, "Tackling Domestic Disinformation: What the Social Media Companies Need to Do," NYU Stern Center for Business and Human Rights, February 22, 2019, 5. https://issuu.com/nyusterncenterforbusinessandhumanri/docs/nyu_domestic_disinformation_digital/

[95] Paul M. Barrett, "Tackling Domestic Disinformation: What the Social Media Companies Need to Do," NYU Stern Center for Business and Human Rights, February 22, 2019. https://issuu.com/nyusterncenterforbusinessandhumanri/docs/nyu_domestic_disinformation_digital/

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[97] Balázs Bodó, Natalie Helberger, Sarah Eskens and Judith Möller, "Interest in Diversity: The Role of User Attitudes, Algorithmic Feedback Loops, and Policy in News Personalization," *Digital Journalism* 7, no. 2 (2019): 206–29, at 207, as cited in Jacquelyn Burkell and Priscilla M. Regan, "Voter Preferences, Voter Manipulation, Voter Analytics: Policy Options for Less Surveillance and More Autonomy," *Internet Policy Review* 8, no. 4 (2019): 6; Hunt Allcott and Matthew Gentzkow, "Social Media and Fake News in the 2016 Election," *Journal of Economic Perspectives* 31, no. 2 (2017): 211–35, at 221.

[98] Eli Praiser, *The Filter Bubble: What the Internet Is Hiding from You* (London: Penguin, 2011), as cited in Seth Flaxman, Sharad Goel and Justin M. Rao, "Filter Bubbles, Echo Chambers, and Online News Consumption," *Public Opinion Quarterly* 80 (2016): 298–320, at 299.

[99] C. Thi Nguyen, "Echo Chambers and Epistemic Bubbles," *Episteme* (2018): 1–21; Cass R. Sunstein, *Republic 2.0* (Princeton, NJ: Princeton University Press, 2009) and Eli Praiser, *The Filter*

Bubble: What the Internet Is Hiding from You (London: Penguin, 2011), as cited in Seth Flaxman, Sharad Goel and Justin M. Rao, "Filter Bubbles, Echo Chambers, and Online News Consumption," *Public Opinion Quarterly* 80 (2016): 298–320, at 299. It is worth noting that "filter bubbles" and "echo chambers" are contested concepts that are not settled in the scholarship.

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[101] Tiffany Lizée, "Social media plays major role in 2019 federal election," Global News, October 21, 2019. https://globalnews.ca/news/6060008/social-media-federal-election/

[102] Following the 2015 federal election, 92% of surveyed voters felt that Elections Canada ran the election fairly, and 92% had a high level of trust in the accuracy of the results (Elections Canada, "Survey of Electors Following the 42nd General Election." https://www.elections.ca/content.aspx?section=res&dir=rec/eval/pes2015/surv&document=p11&lang=e)/. Compared to other countries, the level of trust in elections in Canada (71%) is higher than in other OECD countries, including the United Kingdom (65%), Denmark (55%), France (54%) and the United States (37%). Gallup, "Gallup World Poll" (2017), cited in Keith Neuman, "Canadians' Confidence in National Institutions Steady," *Policy Options* (2018). https://policyoptions.irpp.org/magazines/august-2018/canadians-confidence-in-national-institutions-steady/

[103] Proof Inc., "CanTrust Index 2019." https://www.getproof.com/thinking/the-proof-cantrust-index/. Between 2016 and 2019, Canadians' trust in news media declined by 14%, trust in governments declined by 4% and trust in leaders declined by 10%. In 2019, only half of Canadians found the electoral system to be "fair and representative."

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